

THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

WHITNEY BILYEU, individually and as Chair §  
of the LIBERTARIAN PARTY OF TEXAS; §  
MARK ASH; STEPHANIE BERLIN; JOE §  
BURNES; ARTHUR DIBIANCA; KEVIN §  
HALE; DESARAE LINDSEY; ARTHUR §  
THOMAS IV; MARK TIPPETTS; and §  
LIBERTARIAN PARTY OF TEXAS, §  
§

*Plaintiffs,* §

NO. 1:21-CV-01089-RP

v. §  
§

JOHN B. SCOTT, in his official capacity as the §  
Secretary of State of the State of Texas, and §  
JOSE A. “JOE” ESPARZA, in his official §  
capacity as the Deputy Secretary of State of the §  
State of Texas, §  
§

*Defendants.* §

**Status Report & Request for Scheduling Conference**

The Court abated the case and ordered the parties to file a status report every two-months, beginning August 1, until a new scheduling order is in place. (*See* Dkt. 53.) Plaintiffs’ and Defendants’ lead attorneys conferred by phone on the status. Plaintiffs prepared this *Status Report & Request for Scheduling Conference*; Defendants approved it prior to filing.

The Parties report and request:

1. Within the next 30 days, Plaintiffs intend to amend their pleading to account for the changes to the law that came out of the 88th Legislative Session.
2. Plaintiff intends to seek a preliminary injunction based on their amended pleading and will ask the Court for a hearing on that application, preferably sometime in mid-October through early November.

3. The parties ask the Court to hold a telephonic scheduling conference to set the hearing date, discovery procedures, and a briefing schedule. Counsel for Defendants is unavailable the week of August 14th, due to another court setting.

\* \* \*

Dated: August 1, 2023

Respectfully submitted,

By: /s/ Jared G. LeBlanc

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**Attorney-In-Charge**

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**Attorneys for Plaintiffs**

**Certificate of Service**

I certify that a true and correct copy of this *Status Report & Request for Scheduling Conference* was forwarded to all counsel of record by electronic service on August 1, 2023.

/s/ Jared G. LeBlanc  
Jared G. LeBlanc